

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 2, 1950
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Absent: Mayor Glass

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman MacCorkle, the motion was unanimously adopted by the Council and the minutes so approved.

The request of W. E. THOMPSON for change of zoning of his property at 1000-1002 West 33rd, Lot 9 and 22.75 feet of Lot 8, Block 1, E. M. Patterson Addition, from "A" to "C" was again brought up for discussion. Action on this request was deferred from the meeting of October 26 at the request of the Planning Board. The Zoning Board had recommended additional property to be included in the change, but the other property owners had objected to their property being changed. Councilman Long moved that the request of W. E. Thompson for change of zoning at 1000-02 West 33rd from "A" Residential to "C" Commercial, be granted, and the others recommended, but who did not want to be zoned Commercial NOT be granted; and the City Attorney instructed to draw up the necessary ordinance. The motion seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

The City Manager submitted the following tabulation of bids received at 10:00 A.M., Friday, October 27, 1950, for the construction of a reinforced concrete culvert on Cherrywood Road at Boggy Creek:

J. C. Gilstrap	\$5,083.85
Paul A. Keller	6,053.55
B. L. McGee	6,116.20
Maufrais Bros.	6,283.70
McKown & Sons	6,288.28
Joe Fuhrman	6,496.85
Earl Rogers	6,725.20
Richard Schmidt	7,560.90

The City's estimate amounted to \$6,136.95. The Director of Public Works recommended J. C. GILSTRAP, the low bidder. The recommendation was approved by the City Manager. Councilman Johnson moved that the contract for the construction of a reinforced concrete culvert on Cherrywood Road at Boggy Creek be awarded to the low bidder, J. C. GILSTRAP, in the sum of \$5,083.85. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

The City Manager submitted the following tabulation of bids received at 10:00 A.M., Friday, October 27, 1950, for the erection of a ten-ship Mul-T Hangar at the Municipal Airport:

Ricks Construction Co.	\$9,196.00
Paul A. Keller	9,628.00
Crockett Construction Co.	9,990.00
J. C. Gilstrap	10,934.00

The City's estimate amounted to \$10,800.00. The Director of Public Works recommended that the award be granted to RICKS CONSTRUCTION as the low bidder. The City Manager approved the recommendation. Councilman Long moved that the contract for the erection of a ten-ship Mul-T Hangar at the Municipal Airport be awarded to RICKS CONSTRUCTION COMPANY, low bidder at \$9,196.00. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

MRS. HARVEY GETCHIUS, 619 West 37th Street, stated she had tried to get a street light at 37th and King for two years. The Lion's Club had built a ball park out there and got a street light at 38th and West Avenue. She complained about people coming from the Guadalupe beer joints to a vacant lot across the street from her home, making a disturbance. She felt if a light were placed there at 37th and King, it would help the situation. The City Manager stated a light was scheduled for this location; but due to shortage of linemen it might be six months before it could be installed.

FREDERICK PROCTOR (Colored) appeared before the Council stating that his neighborhood carried restrictions against box-type houses, and several were being moved in his neighborhood, the 3600 block on East 17th. It was brought out that the Building Inspector could not issue permits to move sub-standard houses. Councilman Long moved that the City Manager check on this to see if these houses are sub-standard; and if so, instruct the owners to fix them up or not let them continue with moving them out there; also to see that they are connected to water, light and sewer. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake

Noes: None

Absent: Mayor Glass.

Regarding the zoning application of MR. J. T. HEATH, for "C-1" Commercial Zoning of the property at 1809 San Jacinto, now zoned "C" Commercial, MR. HEATH asked that action be postponed until the property owner adjoining him makes formal request for change of zoning of his property. In this way, the property of Mr. Heath would not be a "spot" zone, but a continuation of a "C-1" zone, if the property owner adjoining him is granted a "C-1" Zone. (BILL PAPPAS application)

Councilman MacCorkle made inquiry about the Hospital Administrator. The City Manager stated he had a man in mind and had set a dead line on his accepting the job at a given salary. Councilman Long inquired about Dr. Smith's second report. The City Manager stated he had submitted a tentative set-up for discussion with the staff, and that Dr. Smith would be down here soon to go over the recommendations with the staff and the doctors and the City Manager. The City Manager stated he would then have a definite recommendation to submit to the Council, who would have a final say. Councilman Long inquired about material being furnished to the Council previously. The City Manager stated the recommendations would be submitted for their study.

There was a discussion of salaries of various types of work. Pertaining to linemen, the City Manager stated there just was a shortage, and no amount of salary would help. He said there was a big need for a training program.

It was stated the Budget would be presented to the City Council in the early part of December.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the final plat of the subdivision known as "Chipps Subdivision", approved by the City Plan Commission of the City of Austin on September 14, 1950, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Sammie Joseph for the laying of certain water mains and other pipes in Joseph Brothers Subdivision in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS }

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS }

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Sammie Joseph of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer;

W I T N E S S E T H:

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes in Joseph Brothers Subdivision in the streets and at the locations described as follows:

Six-inch (6") cast iron main in Allen Street
from East 5th Street Southward 625' to Lot 6,
Block A.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Sixteen Hundred Dollars (\$1600.00) when completed, and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service to him, agrees to deposit the sum of Sixteen Hundred Dollars (\$1600.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed, but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work, and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraphs II and IV above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with

the water mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial and industrial uses to customers having a direct connection with said water mains until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer, and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Sammie Joseph, has executed this instrument in duplicate this the _____ day of _____, 1950.

CITY OF AUSTIN

ATTEST:

City Manager_____
City Clerk

APPROVED:

Superintendent of Water Dept._____
Director of Public Works

City Attorney

Which motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake

Noes: None

Absent: Mayor Glass

Mayor Pro-tem Drake introduced the following ordinance:

AN ORDINANCE ESTABLISHING THE SOUTH LINE OF EAST EIGHTH STREET AND THE WEST LINE OF BRAZOS STREET, AS THE LINES OF SAID STREETS ABOUT LOT 7, BLOCK 84, OF THE ORIGINAL CITY OF AUSTIN; AND WAIVING ANY CLAIM WHICH THE CITY OF AUSTIN MAY HAVE FOR REAL OR SUPPOSED ENCROACHMENT ON SAID STREETS; REPEALING THAT CERTAIN ORDINANCE HERETOFORE PASSED BY THE CITY COUNCIL AUGUST 10, 1950, RECORDED IN ORDINANCE BOOK "P", PAGES 416-417, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved, seconded by Councilman MacCorkle, that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake

Noes: None

Absent: Mayor Glass

The ordinance was read the second time and Councilman Long moved, seconded by Councilman MacCorkle, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake

Noes: None

Absent: Mayor Glass

The ordinance was read the third time and Councilman Long moved, seconded by Councilman MacCorkle, that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake

Noes: None

Absent: Mayor Glass

Mayor Pro-tem Drake then announced that the ordinance had been finally passed.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin desires to purchase 16,636 feet of 36" water

pipe and fittings for a water line to be constructed by the City; and

WHEREAS, on October 25, 1950, bids were received by the City for such pipe and fittings such bids being as follows:

Gifford-Hill-American, Inc.	
American Concrete Cylinder Pipe & Fittings	\$208,615.44
Prestressed Concrete Cylinder Pipe & Fittings	234,234.88
Lock Joint Pipe Company	
Prestressed Concrete Cylinder Pipe & Fittings	250,923.40
U. S. Cast Iron Pipe & Foundry Company	
A.S.A. Specs 11/31 Class 100 and Fittings	322,737.18
A.S.A. Specs 18-40 Class 100	352,938.34
American Cast Iron Pipe Company	
A.S.A. Specs & Fittings	348,446.10

and

WHEREAS, the bid of Gifford-Hill-American, Inc. in the sum of \$208,615.44 was the lowest and best bid, and the acceptance of such bid has been recommended by the Superintendent of the Water Department of the City and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Gifford-Hill-American, Inc. be and the same is hereby accepted, and W. E. Seaholm, City Manager, is authorized and directed to purchase said materials on the basis of such bid, for delivery to the city at such time as he may deem necessary.

Which motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
 Noes: None
 Absent: Mayor Glass

Mayor Pro-tem Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "I", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON REMAINING RESIDENTIAL PROPERTY FRONTING BOTH SIDES OF S. LAMAR FROM BLUFF STREET NORTH TO BARTON (SPRINGS) ROAD, AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT

TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON EAST ONE-HALF OF LOTS 19 AND 20, BLOCK 6, OUTLOT 4, DIVISION "Z", SHELLEY HEIGHTS; ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson moved, seconded by Councilman Long, that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

The ordinance was read the second time and Councilman Johnson moved, seconded by Councilman Long, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

The ordinance was read the third time and Councilman Johnson moved, seconded by Councilman Long, that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

Mayor Pro-tem Drake then announced that the ordinance had been finally passed.

Brief discussion was held on the purchase of garbage disposal equipment. The City Manager stated this purchase would give improved service, in spite of the expansion of the City.

Councilman MacCorkle requested that a list of city-owned cars assigned to individuals be furnished the Council.

The Council received a report from the City Manager that the following applications for change of zoning had been referred to the Zoning Board:

W. F. STEFKA	4403 Avenue B	From "A" Residence To "C" Commercial
EUGENE JOHNSON	2400 East 11th	From "A" Residence To "C" Commercial
M. A. AND R. G. KNIPPA	3213-33 E. 5th	From "D" Industrial To "E" Industrial

Mayor Pro-tem Drake introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION JUDGES AND CLERKS TO SERVE AT THE VARIOUS POLLING PLACES IN THE VARIOUS ELECTIONS TO BE HELD IN THE CITY OF AUSTIN DURING THE TERM OF TWO YEARS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved, seconded by Councilman Long, that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

The ordinance was read the second time and Councilman Johnson moved, seconded by Councilman Long, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

The ordinance was read the third time and Councilman Johnson moved, seconded by Councilman Long, that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

Mayor Pro-tem Drake then announced that the ordinance had been finally passed.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Councilman Will T. Johnson and Councilman Emma Long be and they are hereby appointed as a committee to canvass the returns of the Special Election to be held in the City of Austin, Texas, on November 6, 1950, and they are hereby instructed to report to the City Council the results of such canvass.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Pro-tem Drake
Noes: None
Absent: Mayor Glass

There being no further business, the meeting adjourned subject to the call of the Mayor.

APPROVED:

W S Davis
Mayor Pro-tem

ATTEST:

Elaine Mosley
City Clerk